

Board of Selectmen's Meeting Minutes
December 17, 2009
Harpswell Town Office
Approved on January 7, 2010

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At 5:30 p.m. the Board met to handle administrative matters; the Board reviewed the 2010 Town Meeting ordinance schedule and scheduled a workshop with the Planner on December 22 at 4:00 p.m. and on December 29 at 4:30 p.m. to finalize any changes to facilitate legal review and preparation for the Planning Board January 20th meeting; the Board agreed to the Affordable Housing Committee holding a phone conference with the Town Attorney on Monday regarding the Workforce Housing proposals; the Board tentatively scheduled a second hearing with the Planning Board on February 9, 2010; the Board scheduled a budget reconciliation workshop with the Budget Advisory Committee on January 14, 2010 at 3:45 p.m. and requested the BAC account for the WHS closure costs; the action list was reviewed and the required Selectman level NIMS training was discussed; Mitchell Field expenditures were discussed and the Board agreed to order the doggie station trash receptacles from the improvement/removals fund; the Board agreed to think of possible Town report dedications and asked for any public input by February 1, 2010; a holding tank application was reviewed and signed; Chairman Henderson reviewed the map display options for the meeting room walls; Selectman Multer noted that if WHS is closed, she hoped that eventually a school would be built on Town-owned Mountain Road property; the fund raising event at Cook's was discussed; the Board agreed with a purchase order for \$1,250 for a review of the existing HVAC system at the Town Office as explained by John Monaghan, of the Energy Committee; and another purchase order for road salt was signed.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding 20. Accept Maine Municipal Grant; motion passed 3-0.

2. Public Comment: There was none.

3. Approval of the Minutes: Chairman Henderson questioned the statement in the administrative section about the Board not wanting to hold joint ordinance hearings with the Planning Board in the future. It was determined the statement was made only by Selectman Multer and for the minutes to reflect such. Selectman Multer moved, seconded by Chairman Henderson to approve the December 3 minutes as edited earlier by email and tonight; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane stated that since Town Treasurer expressed an interest in filling the vacant bookkeeper position, she received input from the Maine Municipal Association stating that the Treasurer and bookkeeper position do not represent an incompatibility of offices. Administrator Eiane further stated that the Town auditor was consulted and was comfortable with the situation with the implementation of additional internal controls. Administrator Eiane recommended Marguerite Kelly for the bookkeeper position at \$22.00/hour with the Deputy Town Administrator being the immediate supervisor of the position. Chairman Henderson stated he too had a concern about the elected and hired positions but since there are no legal complications and due to Ms. Kelly's qualifications he is confident. Chairman Henderson moved, seconded by Selectman Multer to hire Marguerite Kelly as the part-time bookkeeper for an average of 12-16 hours a week; motion passed 3-0. Administrator Eiane reported that she, Selectman Wallace and Road Commissioner, Bob Venard, met with Goodall, the Town's new snow removal contractor, Tuesday night to

review the recent storm issues and complaints. Goodall was asked to use more material and was very responsive about the expressed concerns. Administrator Eiane announced that beginning tomorrow; papers are available for the elected positions of Selectman, Town Clerk, Treasurer, Tax Collector and MSAD 75 Board Member.

5. Selectmen's Announcements: Chairman Henderson announced that Cook's Lobster House is holding its annual fund-raiser dinner to benefit the Harpswell Home Heating Assistance Program on Friday, December 18, 2009 beginning at 5:00 p.m. There will be a silent auction and part of the proceeds will go to the Town's Program.

6. Treasurer's Report: Ms. Kelly noted she would not be giving up any statutory requirements as Treasurer when she takes on the role of Bookkeeper as well. Ms. Kelly reviewed her monthly report for the month of November. No tax liens for the 2007 taxes were foreclosed.

7. Recommendation Re: Harbor Management Plan Consultant: Jim Hays, Harbormaster, explained the Board previously approved the distribution of a request of proposals; 6 firms responded; and 4 were interviewed. Mr. Hays recommended hiring CES, Inc. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to develop a contract with CES, Inc.; motion passed 3-0. It was noted the funding for this project is available through a State Planning Office grant. Administrator Eiane explained: due to the proposed schedule, the contract was developed earlier this evening for the Board's review and requested that the Town Administrator be authorized to sign. Mr. Hays noted that CES outlined in its response that all the work listed in the Town's RFP can be accomplished between now and June 2010. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to sign the contract with CES for professional services not to exceed \$19,960; motion passed 3-0.

8. Consider Consultant Re: Federal Emergency Management Agency Mapping Update: Bob Gerber explained there were substantial changes proposed in the Federal Emergency Management Agency (FEMA) map updates including changing several A zones to V zones which severely limits any construction. Also a property owner may be required to obtain flood insurance with rates at \$7,500/year or more with the new zoning. This issue is important and Mr. Gerber reviewed how several other towns have hired his services to challenge FEMA's information. One issue in Harpswell, according to Mr. Gerber, is Pott's Harbor where the changes include making it a 26-foot base elevation but due to the offshore islands, the wave elevation is very minimal in reality. Harpswell has 41 wave transects in comparison to Cape Elizabeth with 19. Mr. Gerber explained if the Town hires him he needs at least 45 days to perform his studies and he suggested he could study as few as 5 transects up to the 41. The new FEMA process includes new 2-foot contour maps and using the 1988 Datum [North American Vertical Datum of 1988] instead of the 1929 Datum [National Geodetic Vertical Datum of 1929]. After the FEMA updates are adopted, a property owner's only recourse is to proceed through a LOMA or LOMR process that can cost \$10-15,000. The 90-day appeal period will begin once FEMA issues the maps which may be as early as the beginning of January. Mr. Gerber will meet with FEMA on Monday and know more regarding the timing. The Board asked for options to be laid out including prices.

9. West Harpswell School Closure Matter: Chairman Henderson stated the West Harpswell School closure vote has been scheduled by MSAD 75 for the annual Town Meeting in March 2010 and that based on all being equal in the 2009 budget, the mil rate would increase in each of the next two years by 1% based on the WHS figure for keeping the school open for one full year. Chairman Henderson reiterated the concepts behind the figures must be made clear for voters. Chairman Henderson moved, seconded by Selectman Multer that the Town Administrator seek a legal opinion [from Maine Municipal Association] of the basis of the figures and whether the figure can be challenged and what it involves. Motion passed 3-0. Linda Hall asked that the Board look into the costs involved with the maintenance of the school if Town Meeting votes to accept the school.

Selectman Multer noted there is a West Harpswell School Work Group investigating several issues surrounding the school and any missing data will be filled in before a second vote by the Town to accept or reject ownership of the school. Robert McNytre amended his request of the Board and handed out a new request.

10. Consider Committee Input Re: Town-Owned Hildreth Road Property: Chairman Henderson explained the Town acquired this property due to unpaid taxes and has been considering its options for use of the property. Chairman Henderson read Town committee input: Town Lands advises to sell the property; Recreation agrees with the Conservation Commission recommendation; Affordable Housing would like to work on creating affordable housing on the front lot; and Conservation Commission recommended a wetland delineation and possibly selling a front lot with a conservation easement for the sensitive areas. It was noted the Board has the authority to sell the property based on an annual warrant article. Deputy Administrator Sawyer noted the Board considered this parcel a year ago when a price was obtained for a wetland delineation and GPS marking of the property at \$2,140 and another for the same tasks plus a boundary survey at \$5,640. Selectman Wallace expressed concern about the property being able to pass a perk test for a septic system and noted an option is to sell the property to an abutter. Donald Jones, of the Conservation Commission, stated the importance to protecting the largest focus area wetland, the Otter Brook. Mary Ann Nahf, chair Conservation Commission, stated the neighbors have informed them of the difficulty to obtain a passing perk test due to the wetlands. Chairman Henderson expressed an interest in knowing the property's boundaries, what portion is buildable and what are wetlands. Selectman Wallace noted the Board could sell the entire property without detail surveys and costs. The Board concurred with obtaining a perk test which will further provided information regarding the use the property.

11. Agreement with Goodall Landscaping: Administrator Eiane explained this agreement is an adjunct to the winter road maintenance contract. This allows Goodall to have a mobile office, a fuel tank and use of electricity at the Transfer Station; and requires Goodall to be responsible for any liability. The power bill charges will be determined based on an average of past Town kilowatt usage over three years. Chairman Henderson moved, seconded by Selectman Wallace to enter in the agreement with Goodall to facilitate the snow contract; motion passed 3-0.

12. Ordinances for March 2010 Town Meeting

- **Animal Control Ordinance:** Administrator Eiane explained these changes are based on State law changes and the purpose is to make the local ordinance consistent with state law and the Animal Control Officer recommends the changes. Selectman Multer suggested further defining owner's control and allowing a leash greater than 6-feet. This item was placed on the January 7, 2010 public hearing with the ACO Lee Johnson requested to be in attendance to comment on the two local proposed changes. It was suggested that the owner's control limit include the dog being within 100 yards of its owner and that the owner upon request must demonstrate the dog is under control.
- **Shellfish Ordinance:** The Board agreed with placing this ordinance on the January 7 hearing.
- **Gift Ordinance:** Chairman Henderson handed out suggested changes to the proposed gift ordinance and requested the Board comment by next week to allow for January 7 hearing preparation.

13. Consider Second Public Hearing Date with Planning Board Re: Land Use Ordinances: Chairman Henderson noted scheduling was discussed earlier at the Administrative Meeting and moved, seconded by Selectman Multer to set February 9, 2010 at 7:00 p.m. as a public hearing at Harpswell Islands School with the Planning Board [subject to confirmation of a quorum of the Planning Board]; motion passed 3-0. Selectman Multer expressed her dissatisfaction with the Times Record not taking responsibility for its error in printing the wrong location for the December 10 public hearing.

14. Cumberland County Development Block Grant (CDBG) Planning Concepts: Deputy Administrator Sawyer explained that there are currently six ideas to consider for further development into the one application the Town may submit, which is an increase from the previous time the Board considered the concepts due to re-classification from general applications to planning applications. Selectman Wallace stated the Business and Economic Development and the Vernal Pools concepts were important. Chairman Henderson stated that the Mitchell Field Pier analysis was important and it leads to economic development opportunities too. Selectman Multer stated that she was inclined to agree with Chairman Henderson as it's difficult to determine whether the pier is an asset or liability until it is assessed. Chairman Henderson stated that he supports the concept presented by the Harpswell Business Association such as the "Welcome to Harpswell" signs and suggested that concept could be pursued outside of the CDBG budget. Jennifer Verplanck, Harpswell Business Association (HBA), questioned whether the Town has an economic development policy and encouraged the Board to support a business proposal that includes the commercial fishermen. Dick Moseley of the HBA supported the concept of a target mailing of DVD's and the idea of historical markers to promote historical locations. Chairman Henderson agreed and stated the Pejepscot and Harpswell Historical Societies can work on a promotion together. Both Chairman Henderson and Selectman Multer agreed that the Harpswell Business Association (HBA) idea is good but needs more time to further develop it. Chairman Henderson moved, seconded by Selectman Multer to consider the Mitchell Field pier assessment and analysis. Selectman Multer proposed allowing the HBA to utilize some of the carryover economic development funding of \$3,762 to obtain expertise to further develop its proposal and be prepared to apply for a CDBG grant next year. Jennifer Verplanck stated how Maine's tourism business and state sales tax are both down and that now is the time to act since this idea is solid and could help Town businesses this year. Chairman Henderson agreed that using some of the economic development carryover could be helpful as seed money. The motion to further develop the Mitchell Field pier grant concept passed 3-0.

15. Acceptance of Donations For the Harpswell Heating Assistance Program: Administrator Eiane explained that Town staff implemented casual dress Fridays and each person contributes \$1.00/week with the total split between the Harpswell Heating Assistance program and the Coastal Humane Society. Chairman Henderson moved, seconded by Selectman Wallace to accept \$204 from Town staff and \$150 from Lisa Burke for the heating assistance program; motion passed 3-0.

16. Acceptance of Small Community Grant \$12,000: Deputy Administrator Sawyer explained the State Department of Environmental Protection (DEP) administers a grant program for the replacement of failing septic system for low-moderate income qualified households. Funding for the program has been reduced over the past years due to budget cuts. The Town became aware of a failing system and applied for emergency funding from the Small Community Grant Program and was approved for the \$12,000 grant to assist this household with the replacement of its failing system. Chairman Henderson moved, seconded by Selectman Wallace to accept the \$12,000 grant from the DEP; motion passed 3-0.

17. Open Bids for the Replacement of a Failing Septic System: The following bids were opened: JR Hill \$11,550 plus \$2,000 if a pump station is needed; John Davis Construction \$8,488 plus \$1,500; Ed Skillin \$6,300 plus \$750; R.A. Webber & Sons \$8,458 plus \$1,920; and Tupper Construction \$9,384 plus \$1,450. Chairman Henderson moved, seconded by Selectman Wallace to accept the Ed Skillin bid pending DEP approval and if not accepted then the Board approves the next lowest bid; motion passed 3-0.

18. Consider Guidelines for Accepting Benches on Town Property with Inscription: Chairman Henderson read the memo from staff explaining that the 2009 Town Meeting approved accepting benches on Town properties with or without inscription pursuant to guidelines to be established by the Board of Selectmen. There is currently an offer of a bench donation for the Tide Mill Cove Landing property and it is proposed to include a small brass type plaque dedicating the donation in honor of someone. Donald Jones explained he is the

proposed donor in honor of his father-in-law and that he would be satisfied with the Board's agreed upon inscription. Chairman Henderson suggested tabling the item to check with other towns regarding policies as he preferred to have a policy that includes standards for the plaque. Chairman Henderson moved, seconded by Selectman Wallace to table this item to allow time to consider a broader policy; motion passed 2-1 (Selectman Multer opposed).

19. Sign Engagement Letter with Town Auditors: Chairman Henderson moved to enter into the agreement as long as the Town Administrator is satisfied there are no substantive changes. Selectman Multer expressed she is not comfortable with a proposed 4 ½% increase and preferred the increase to not exceed 3%. Chairman Henderson suggested that next year the Town should be aware of the proposed price well in advance of reviewing the engagement letter and for this year he was comfortable proceeding. Selectman Wallace seconded the motion. Administrator Eiane offered to express concern about the price increase and suggested that the auditors may be open to reducing. The motion passed 3-0.

20. Accept Maine Municipal Grant: Chairman Henderson moved, seconded by Selectman Multer to accept \$439.97 from the Maine Municipal Association for the safety enhancement grant that was used for the purchase of a cabinet at the Recycling Center; motion passed 2-0 (Selectman Wallace abstained).

21. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #84 in the amount of \$698,754.44; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #85 in the amount of \$11,478.59; motion passed 2-0 (Selectman Wallace abstained). Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #86 in the amount of \$29,173.01; motion passed 3-0. Payroll warrant #51 in the amount of \$13,765.70 was noted for the record.

21. Executive Session Pursuant to 36 M.R.S.A. § 841 (2)(E) Re: Infirmary or Poverty Abatement: The Board adjourned to executive session pursuant to 36 MRSA § 841 (2)(E) to review a poverty abatement request.

22. Adjournment: The Board returned to open session to announce the granting of a partial poverty tax abatement, and then adjourned by unanimous vote at 9:45 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at harpwell@gwi.net]